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In re Application of :
TITZ, Peter :
U.S. Application No.: 10/530,325 :
PCT No.: PCT/IB2003/004353 :
Int. Filing Date: 03 October 2003 :
Priority Date: 02 October 2002 :
Docket No.: 234853 :
For: SEALING, TRIMMING OR GUIDING :
STRIPS :

DECISION

This decision is in response to applicant's "Request for Reconsideration of Decision Dated November 14, 2006" filed on 14 December 2006.

BACKGROUND

On 14 November 2006, a decision dismissing applicants' petition under 37 CFR 1.137(b) was mailed. Applicants failed to satisfy the proper reply requirement of 37 CFR 1.137(b). Applicants were given two months to respond.

On 14 December 2006, applicants filed the subject renewed petition.

DISCUSSION

Petition Under 37 CFR 1.47(b)

The 37 CFR 1.47(b) applicant completed items (1), (3), (4), (5) and (6) of 37 CFR 1.47(b) in the initial petition. Regarding item (2), the 37 CFR 1.47(b) applicant failed to show that a complete copy of the subject application was presented to the nonsigning inventor.

In the renewed petition, the 37 CFR 1.47(b) applicant states that the original statement by Mr. Heller contained "slightly different language than that of the original" due to some sort of error made by her assistant in copying the original facsimile received. The 37 CFR 1.47(b) applicant submitted the original facsimile copy which includes a statement by Mr. Heller that in August 2005, he "personally gave Mr. Titz a copy of the patent application and the declaration and asked him to sign it."

This is sufficient to show that Mr. Titz received a complete copy of the subject application. The 37 CFR 1.47(b) applicant has met all the requirements to show a refusal to cooperate. All items of 37 CFR 1.47(b) are now complete.

Petition Under 37 CFR 1.137(b)

A petition to revive an application on the grounds of unintentional delay pursuant to 37 CFR 1.137(b) must be accompanied by: (1) a proper reply; (2) the requisite petition fee; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any required terminal disclaimer.

Applicants failed to satisfy item (1) in the initial petition which required an appropriate response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 25 November 2005. A grantable petition under 37 CFR 1.47 is sufficient to meet this requirement. All items of 37 CFR 1.137(b) are complete.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(b) and 37 CFR 1.137(b) are **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 October 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 October 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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